

*see at*

83  
4/15/02  
JL

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

**WILLIAM R. BRANCH,**  
Plaintiff

:  
: CIVIL NO. 1:CV-00-1728

v.

: (Judge Rambo)

**MR. RUSSIAN, et. al.,**  
Defendants

:  
:  
:  
:

FILED  
HARRISBURG, PA

APR 12 2002

**O R D E R**

MARY E. DANDREA, CLERK  
PER *GTS* DEPUTY CLERK

Plaintiff, William Branch, an inmate confined at the State Correctional Institution, Waymart, Pennsylvania, filed this civil rights action pursuant to 42 U.S.C. § 1983. On April 8, 2002, Plaintiff filed a motion for discovery (Doc. 81). Said document will be construed as a motion to compel discovery.

Plaintiff's motion will be dismissed as premature for failing to comply with Fed. R. Civ. P. 37(a)(2) which states, in relevant part, that:

[I]f a party, in response to a request for inspection submitted under Rule 34, . . . fails to permit inspection as requested, the discovering party may move for an order . . . compelling inspection in accordance with the request. The motion must include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make the discovery in an effort to secure the information or material without court action.

Plaintiff's *pro se* status does not relieve him of this duty. *See, e.g., Clymer v.*

*Attorney General's Office*, No. 98-6111, 1999 WL 269930 (E.D. Pa. Apr. 21, 1999);

*Smith v. Campagna*, No. 94C7628, 1996 WL 364770 (N.D. Ill. June 26, 1996).

Plaintiff states "I have tried to informally request needed information . . . . I have certified the mailing of this request to the courts and the conspirator's changed the zipe [sic] code on the letter to the D.O.C." (*Id.*) One failed attempt to request discovery from Defendants does not constitute a good faith effort especially in light of the fact that there is no evidence that Defendants have ever received a discovery request pursuant to the Federal Rules of Civil Procedure from Plaintiff.

Accordingly, **IT IS HEREBY ORDERED** that Plaintiff's motion for discovery (Doc. 81) is **DISMISSED** as premature.

  
SYLVIA H. RAMBO  
United States District Judge

Dated: April 12, 2002.

UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

\* \* MAILING CERTIFICATE OF CLERK \* \*

April 12, 2002

Re: 1:00-cv-01728 Branch v. D.O.C. John Does

True and correct copies of the attached were mailed by the clerk to the following:

William R. Branch  
SCI-WAYMART  
CF-3756  
P.O. Box 256  
Route 6  
Waymart, PA 18472-0256

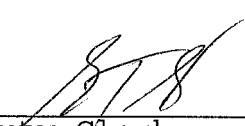
Gwendolyn T. Mosley, Esq.  
Office of Attorney General  
15th Floor  
Strawberry Square  
Harrisburg, PA 17120

MARY E. D'ANDREA, Clerk

DATE:

4/12/02

BY:

  
Deputy Clerk